

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 18, 2007, and the references cited therewith.

Claims 1, 6, 8, 15, 17, and 19 are amended, and claims 2 and 11-14 are canceled; as a result, claims 1, 2-10, and 15-20 are now pending in this application.

Specification

The specification was amended to clarify that “Nafion” is a registered trademark of the E. I. Du Pont De Nemours and Company Corporation for polymer membranes and that “Nafion” is used synonymously with “polymer membranes” throughout the application.

§112 Rejection of the Claims

Claims 1-10 were rejected under 35 USC § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. By amendment, the recitation that Examiner claims is unsupported by the specification has been deleted.

§102 Rejection of the Claims

Claims 1-3, 60-10 were rejected under 35 USC § 102(b) as being anticipated by U.S.5,985,308. Claims 1-3, 6-8 are rejected under 35 USC §102(e) as being anticipated by US 6,333,093. As discussed in the telephone interview, claims 1, 6 and 8 have been amended to include the limitation of specific material not disclosed in either the ‘308 Patent or the ‘093 Patent. These claims contain the limitation that the support material comprises at least one material chosen from Nasicon, Nafion, ionomers, Cu-Nasicon, Cu-Nafion, Ag-Nasicon, Ag-Nafion, Au-Nasicon, Au-Nafion, I₂-Anion membrane, Br₂-Anion membranes, and combinations thereof.

Support for this amendment is found in paragraph 40 of Applicant's specification. In view of the amendment, Applicant respectfully requests that this ground for rejection be withdrawn.

§103 Rejection of the Claims (6,190,407)

Claims 4, 15, 17 and 19 were rejected under 35 USC § 103(a) as being unpatentable over any of U.S. 5,985,388 or U.S. 6,333,093 in view of U.S. 6,190,407. As examiner is aware, for a combination of references to render a claim obvious, they must teach each and every limitation of the claim. Regarding claim 4, it depends from newly amended claim 1 which, as discussed above, does not contain limitation taught by the cited art. Claims 15, 17, and 19 have been amended to more clearly point out that the reactive material or beneficial agent is insoluble. The combination of cited references does not teach this limitation. The '407 patent states that "oxidation is a necessary step to the solubilization of the metal as a metal compound or metal ion." In the cited references, the beneficial agent is the soluble metal oxide. In contrast, Applicant claims an insoluble excess oxygen containing compound. Thus, Applicant teaches away from the cited prior art.

Furthermore, the cited art referenced peroxides not as the beneficial agent, but to provide oxidation conditions to oxidize the metal which then becomes the beneficial agent. Once the metal is exposed to the peroxide, the *resulting* compound, which is the beneficial agent, no longer contains peroxide. All the excess oxygen is gone and only stable metal oxides which do not release their oxygen remain as the beneficial agent. In contrast, applicant claims the actually peroxide as the beneficial agent. In this way, the unstable oxygen is available to react with the wound or tissue. The cited prior art teaches away from the oxygen/wound reaction because the oxidation process stabilizes the available oxygen in the form of metal oxide.

Accordingly, the cited references not render claims 4, 15, 17, and 19 obvious and Applicant respectfully requests that this rejection be reconsidered.

§103 Rejection of the Claims (6,573,205)

Claims 5, 16, 18 and 20 were rejected under 35 USC § 103(a) as being unpatentable over any of U.S. 5,985,388 or U.S. 6,333,093 in view of U.S. 6,573,205. Claims 5, 16, 18, and 20

teach specific perovskite compounds that are neither taught nor suggested in the prior art. Examiner suggests that it is expected that the perovskites of the prior art exhibit the same properties as the compounds that Applicant claims. Applicant respectfully disagrees. Perovskites refer in general to a structure independent of the specific compounds that have that structure. Thus, different types of perovskites can have different properties. Applicant specifically claims particular excess oxygen containing perovskite compounds. These compounds are chosen for their ability to yield oxygen when interacting with tissue. The cited references do not teach the specific compounds in Applicant's claim, nor the excess oxygen nature of those compounds. The cited references also do not teach using the compounds as an oxygen donating source. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (801-978-2186) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3586

Respectfully submitted,

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By his Representatives,

Date 10/24/2007

By 

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